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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THERESA COHEE, individually,

Plaintiff,

v.

HOLMAN FLEET LEASING, LLC, a
Foreign Limited-Liability Company; ARI
FLEET LT, a business trust, a Foreign
Business Trust; UNION PACIFIC
RAILROAD COMPANY, a Foreign
Corporation; JASON M. HICKMAN,
individually; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO. 2:23-cv-01747-JCM-BNW

STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER
[SPECIAL SCHEDULING REVIEW REQUEST]

Under Fed. R. Civ. P. 26(f) and Local Rules of Practice for the United States District
Court for the District of Nevada 26-1(a)-(b), Defendants HOLMAN FLEET LEASING, LLC,

1 ARI FLEET LT, UNION PACIFIC RAILROAD COMPANY, and JASON M. HICKMAN by
2 and through its counsel of record, the law firm of QUINN COVARRUBIAS and MESSNER
3 REEVES, LLP, and Plaintiff THERESA COHEE, by and through her counsel of record, MOSS
4 BERG INJURY LAWYERS, conducted a discovery-planning conference on November 16,
5 2023, and hereby submit to the court the following proposed discovery plan. Additionally, in
6 compliance with LR 26-1 (a)-(b), the parties request a special scheduling review, and the
7 following provides a statement of the reasons why longer or different time periods should apply
8 to the case.
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11 **I.**
PRIOR PROCEEDINGS

12 **A. DATE OF FILING OF ANSWER BY FIRST ANSWERING DEFENDANT**

13 October 27, 2023
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15 **B. DATE THE FED. R. CIV. P. 26(F) CONFERENCE WAS HELD**

16 November 16, 2023
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18 **II.**
DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(f)(3)

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20 **A. WHETHER CHANGES, IF ANY, SHOULD BE MADE IN TIMING, FORM, OR**
21 **REQUIREMENTS FOR DISCLOSURES UNDER FED. R. CIV. P. 26(A)**

22 **1. Plaintiff's view:** None.
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24 **2. Defendant's view:** None.
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B. SUBJECTS ON WHICH DISCOVERY MAY BE NEEDED, WHEN DISCOVERY SHOULD BE COMPLETED, AND WHETHER DISCOVERY SHOULD BE CONDUCTED IN PHASES OR BE LIMITED TO OR FOCUSED ON PARTICULAR ISSUES

1. Plaintiff's view:

i. Discovery will consist of items needed regarding Plaintiff's claims and Defendant's defenses.

ii. Discovery should be completed on August 30, 2024, allowing 274 days for discovery.

iii. Discovery in this matter does not need to be conducted in phases.

2. Defendant's view:

i. Discovery will consist of items needed regarding Plaintiff's claims and Defendant's defenses.

ii. Discovery should be completed on August 30, 2024, allowing 274 days for discovery.

iii. Discovery in this matter does not need to be conducted in phases.

C. WHETHER ISSUES EXIST REGARDING DISCLOSURE OR DISCOVERY OF ELECTRONICALLY STORED INFORMATION, INCLUDING THE FORM OR FORMS IN WHICH IT SHOULD BE PRODUCED

1. Plaintiff's view: Not at this time.

2. Defendant's view: Not at this time.

D. WHETHER ISSUES EXIST REGARDING CLAIMS OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIALS, INCLUDING—IF THE PARTIES AGREE ON A PROCEDURE TO ASSERT THESE CLAIMS AFTER PRODUCTION—WHETHER TO ASK THE COURT TO INCLUDE THEIR AGREEMENT IN AN ORDER UNDER FEDERAL RULE OF EVIDENCE 502

1 **1. Plaintiff's view:** Not at this time.

2 **2. Defendant's view:** Not at this time.

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5 **E. WHETHER, IF ANY, OTHER ORDERS SHOULD BE ENTERED BY THE COURT
6 UNDER RULE 26(C) OR RULE 16(B) AND (C)**

7 **1. Plaintiff's view:** Not at this time.

8 **2. Defendant's view:** Not at this time.

9 **III.**

10 **DISCOVERY PLAN AND MANDATORY DISCLOSURES PURSUANT TO LR 26-1 (b)**

11 **A. A STATEMENT OF THE REASONS WHY LONGER OR DIFFERENT TIME
12 PERIODS SHOULD APPLY TO THE CASE OR, IN CASES IN WHICH THE
13 PARTIES DISAGREE AS TO THE FORM OR CONTENTS OF THE DISCOVERY
14 PLAN, A STATEMENT OF EACH PARTY'S POSITION ON EACH POINT IN
15 DISPUTE PURSUANT TO LR 26-1(a)**

16 **1. Plaintiff's view:** Plaintiff requests *240 days* because Plaintiff is still treating for her
17 injuries. Also, Plaintiff has been recommended for a knee surgery in which she wants to proceed
18 with but is waiting for insurance to approve. The extended discovery provides the Parties a
19 meaningful period in which to complete discovery.

20 **2. Defendant's view:** Defendant request 274 days because they will need the additional
21 time to acquire all of Plaintiff's medical records. Also, Plaintiff's claims may necessitate an
22 Independent Medical Examination and multiple witness depositions. The extended discovery
23 provides the Parties a meaningful period in which to complete discovery. Also, defense counsel
24 has a lengthy multi-party asbestos preference trial set for March 4, 2024, which will impact the
25 timing of depositions and expert discovery in this case.
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**B. FORM OF STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER
PURSUANT TO LR 26-1(b)(1)-(6)**

LR 26-1(b)(1-6) Deadlines	DATE
Discovery Cut-Off Date	August 30, 2024
Amending the Pleadings and Adding Parties (LR 26-1(e)(2)) (Not later than 90 days before close of discovery)	May 31, 2024
Fed. R. Civ. P. 26(a)(2) Disclosures (Experts) (Not later than 60 days before close of discovery)	July 1, 2024
Fed. R. Civ. P. 26(a)(2) Rebuttal Disclosures (Not later than 30 days after initial disclosure of experts)	August 1, 2024
Dispositive Motions (LR 26-1(e)(4)) (Not later than 30 days after Discovery cut-off date)	September 30, 2024
Joint Pretrial Order and Fed. R. Civ. P. 26(a)(3) Disclosures (Not later than 30 days after dispositive-motion deadline)	October 30, 2024

A motion or stipulation to extend any deadline set forth in the Discovery Plan and Scheduling Order must be received by the court no later than twenty-one (21) days before the expiration of the subject deadline and must be supported by a showing of good faith as outlined in LR 26-4.

C. CERTIFICATION OF DISPUTE RESOLUTION CONFERENCE

The undersigned certify that they met and conferred about the possibility of using alternative dispute-resolution processes.

D. CERTIFICATION OF ALTERNATIVE FORMS OF CASE DISPOSITION

The undersigned do not consent to trial by a magistrate judge under 28 U.S.C. §636 (c) and Fed. R. Civ. P. 73, or the use of the Short Trial Program (General Order 2013-01).

E. ELECTRONIC EVIDENCE DISPOSITION

A jury trial has been demanded and the undersigned certify that they discussed whether the parties intend to present evidence in electronic format to jurors for the purposes of jury deliberations, and the following stipulations were reached regarding providing discovery in an electronic format compatible with the court's electronic jury evidence display system: None at this time.

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F. OTHER ORDERS REQUIRED OF THE COURT:

None at this time.

STIPULATED TO BY:

DATED this 30th day of November 2023. DATED this 30th day of November 2023.

MOSS BERG INJURY LAWYERS

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: 12/4/2023